

# Program Agenda

## The Complete Survival Guide to Workers' Comp

8:30 am

### **The Workers' Comp System: Defining the Elements of a Compensable Injury and Exceptions to Workers' Comp Coverage**

- Who is covered? Clarifying employee coverage and deciphering issues of employment status
- Is the injured worker an employee, an independent contractor, a volunteer, or employed by another company?
- What physical conditions are covered? Determining what injuries and occupational diseases are covered
- Understanding the requirements for a compensable psychiatric claim
- Determining whether the condition is related to employment: "Arising out of" and "in the course of" employment
- Examining the exceptions to workers' comp coverage: The coming and going rule, willful misconduct, horseplay, intoxication, and others

9:15 am

### **How to Calculate Workers' Comp Benefits and Assess Your Exposure on Workers' Comp Claims**

- Medical benefits: What types of medical benefits are required, how long must they be provided, and how are medical fees regulated?
- Impairment versus disability: How a medical impairment translates into actual disability
- Temporary disability: Deciding when temporary disability benefits must begin in light of applicable waiting periods and how they are calculated depending on whether they are "total" or "partial"
- Permanent disability: Figuring out permanent disability and determining the extent that actual wage loss is necessary for receipt of benefits
- Calculating wages and computing a rate for wage loss and permanency: What are the statutory maximums and minimums?
- When the employee cannot return to work: How vocational rehabilitation services, either through job placement activities or retraining, may lessen your permanency costs
- Survivorship and dependency benefits: Gaining insight into those benefits that cease and those that continue following the death of an employee

10:00 am: **Break**

10:15 am

### **Before the Claim Happens: Drafting and Implementing Proactive Policies to Significantly Reduce Costs Later On**

- How OSHA compliance and effective safety policies team together to reduce accident rates and lessen costs
- Why designated workers' compensation administrators are necessary to ensure proper claim investigation and management
- Ensuring legal compliance by incorporating FMLA and ADA policies in your workers' compensation policies
- Developing reporting procedures so that employers receive prompt notification of injury or illness claims so that investigations are timely
- Preparing forms useful in claim investigations, including statements from injured employees, supervisors, and eyewitnesses
- Why having a health care provider available to treat injured employees helps control medical costs
- Implementing a light- or modified-duty policy in advance to reduce temporary disability claims and prevent the injured employee from focusing on the claim

- Why up-to-date job descriptions are essential to limit disability claims

11:00 am

## **After the Claim Occurs: Managing the Claim in the Critical 24 Hours Following Injury or Illness**

The steps you take—or fail to take—in the immediate aftermath of a workplace injury or illness are vital in terms of determining and mitigating your company's ultimate liability under the workers' compensation laws. Failure to conduct an effective investigation immediately after the report of a workplace injury may result in a waiver of important defenses. In this interactive session, our workers' compensation attorney will guide participants in on-the-spot problem solving to develop a detailed checklist of tasks for the first 24 hours.

### **Part One: First Responses: Ensuring that You Are Prepared**

- Evaluating the accident scene to determine whether a workplace injury occurred
- Obtaining necessary statements from the injured employee, eyewitnesses, and supervisors to identify defenses early on and to limit later injury claims
- Preparing the employer's first report of injury
- Why timely reporting of claims to claims adjusters assists the investigative process
- How responding to an injured employee's needs and concerns lessens the likelihood of attorney involvement

### **Part Two: The Five-Letter Word—FRAUD: Safeguarding Your Organization**

- Identifying the red flags indicative of a fraudulent claim and knowing what action to take
- What are the most common kinds of fraud by medical providers, employees, and employers?
- An employee fails to reveal prior relevant injuries: Fraud?
- Is deliberate concealment required for fraud?
- What happens to the workers' compensation case when fraud occurs?
- What are the remedies for an employer in the case of fraud?

12:00 Noon: **Break**

1:00 pm

## **Critical Workers' Compensation Compliance Issues in Insurance Options, Forms, Posting, Reporting, and Notice Requirements**

- Doing business in your state: What types of insurance options are available to you?
- Why accurate and timely wage statements are necessary to counter inflated employee earnings and to limit disability benefits
- What notices are required from the employer to the administrative agency regarding reported claims
- Essential forms, critical timelines, and posting requirements
- When penalties may be awarded against your business
- Critical steps to take when contesting a workers' comp claim: Key elements of the adjudication process
- Claims handling requirements for your state

1:30 pm

## **Anatomy of the Workers' Comp Adjudication Process: Improving Your Chances in Court by Taking a Guided Tour of the Proceedings**

- Key elements of the adjudication process
- How to prepare for hearings
- Critical steps to take when contesting a workers' comp claim
- Deciphering the lingo and identifying the key players
- What can employers do to improve their chances in court?
- Who are the administrative law judges?
- What criteria are used to decide cases?

- How do you appeal a decision?

2:15 pm: **Break**

2:25 pm

### **The Medical Perspective on Workers' Comp Claims: Optimizing Your Medical Provider Services**

- The importance of taking a complete medical history
- Why it is critical to learn about second jobs and outside hobbies
- The value of good job descriptions in determining whether the injury is work-related and determining light-duty assignments
- Knowing what a physician means when the term "aggravation" and "acceleration" are used
- Reading between the lines of an Independent Medical Examination (IME) report

3:15 pm

### **Recent Developments in Workers' Comp and Burgeoning Issues on the Horizon**

In this session you will receive an update on the latest developments in Workers' Comp including recent court cases, legislative developments, and emerging trends

3:45 pm

### **Interactive Session: Real-Life Case Studies of Workers' Comp Claims and Answers to Your Most Pressing Questions**

#### **Part 1: Case Studies**

In this final session, you will apply your knowledge to real-life case studies involving:

- Deciphering recent court decisions addressing the "going and coming" rule
- Your exposure for injuries that occur during recreational and social activities, lunch time, and assignments off premises
- Who is considered an "independent contractor" versus an "employee" for purposes of workers' comp laws?

#### **Part 2: Answers to Your Burning Questions**

This session will ensure that you will not leave this program with any unanswered questions. Get valuable feedback from the facilitator as well as your colleagues at the event, and leave with practical solutions.

4:30 pm: **Program Concludes**